

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

C.D.A., minor child, and MR. A., :
his father; and E.A.Q.A., minor :
child, and MR. Q., his father, :
:
Plaintiffs, : CIVIL ACTION NO. 21-469
:
v. :
:
UNITED STATES OF AMERICA, :
:
Defendant. :
:

ORDER

AND NOW, this 28th day of March, 2023, after considering the plaintiffs' amended complaint (Doc. No. 31), the defendant's motion to dismiss the amended complaint (Doc. No. 52), the plaintiffs' response in opposition to the motion to dismiss (Doc. No. 55), the defendant's reply in support of its motion to dismiss (Doc. No. 56), and the arguments of counsel during oral argument on the motion; and for the reasons set forth in the separately filed memorandum opinion, it is hereby **ORDERED** that the motion to dismiss (Doc. No. 52) is **GRANTED IN PART** and **DENIED IN PART** as follows:

1. The motion to dismiss is **GRANTED** insofar as the defendant moves to have the court dismiss Counts II (negligent infliction of emotional distress), III (negligence), V (loss of consortium), VI (torture), VII (crime against humanity: persecution), and VIII (crime against humanity: inhumane acts) of the amended complaint. The plaintiffs' claims under Counts II, III, V, VI, VII, and VIII of the amended complaint are **DISMISSED WITH PREJUDICE**;

2. The motion to dismiss is **GRANTED** insofar as the defendant moves to have the court dismiss Mr. Q. and E.A.Q.A.'s claims under Count IV (abuse of process) of the amended

complaint. Mr. Q. and E.A.Q.A.'s claims under Count IV of the amended complaint are **DISMISSED WITH PREJUDICE**;

3. The remainder of the motion to dismiss is **DENIED WITHOUT PREJUDICE** to the defendant re-raising its arguments in a motion for summary judgment after the factual record in this matter is fully developed; and

4. The defendant shall have a period of **twenty-one (21) days** from the date of this order to file an answer to the amended complaint.

BY THE COURT:

/s/ *Edward G. Smith*
EDWARD G. SMITH, J.